

**National GMDSS Implementation Task Force**  
1600 North Oak Street, #427; Arlington VA 22209

31 May 2005

Admiral Thad Allen, USCG  
Commandant, U.S. Coast Guard  
2100 Second Street S.W.  
Washington D.C. 20593

Dear Admiral Allen,

I am writing on behalf of the Membership of our organization to bring a problem to your attention and suggest action by the Coast Guard to address the issue.

The National GMDSS Implementation Task Force was chartered by the U.S. Coast Guard to supplement government functions in expediting the implementation of the Global Maritime Distress and Safety System (GMDSS) introduced by the International Maritime Organization (IMO). The Task Force membership is broad-based including nearly 1500 representatives of government authorities, commercial vessel owners and operators, recreational vessel interests, training institutions, service agents, manufacturers, trade associations and maritime labor organizations. The Task Force maintains a portion of the Coast Guard web site at [www.navcen.uscg.gov/marcomms/](http://www.navcen.uscg.gov/marcomms/) that contains numerous GMDSS Information Bulletins, records of Task Force meetings, and various Task Force letters recommending regulatory action. The Task Force has made numerous recommendations to both the Coast Guard and the FCC, most of which have been adopted.

The State of Hawaii enacted a new law which took effect 1 January 2004 requiring that all vessels which venture a mile or more offshore carry a VHF maritime radio or an EPIRB. This new law applies to unregulated vessels including recreational craft, many of which are operated by amateurs with little understanding of safety at sea. The Task Force applauded this new law and discussed with officials of the Office of Boating Safety the possibility that the Coast Guard might adopt a national rule to the same effect in order to have a uniform policy. While these officials were supportive, they felt that the Coast Guard lacked legislative authority to proceed with such action. As a result, the Task Force urged the National Association of State Boating Law Administrators (NASBLA) to develop a Model Act which could be used by coastal states wishing to adopt the same standard. NASBLA followed through and approved the attached Model Act in September 2005. Note that, as suggested by the Task Force, the Model Act accepts a Marine Personal Locator Beacon (PLB) as an alternative to an EPIRB since Marine PLBs had not been approved at the time the Hawaiian Law was enacted.

Prior to its recent Task Force meeting, the Director conducted an informal survey of NASBLA members from 10 of the larger coastal states. The survey revealed the following with very good consistency:

1. All were aware of the new Model Act and generally supported its goals but there was some concern that state enforcement would only extend to the 3 mile limit
2. None has yet gone forward with a legislative proposal for various reasons including state legislative schedules, election year distractions, etc.
3. Most prefer that the Federal Government pursue appropriate legislation or regulation to ensure uniformity, especially relative to trailed boats
4. Some doubt that their legislatures would adopt such a law without compelling data and/or a strong endorsement by the Coast Guard

For the reasons cited, the Task Force feels that the Coast Guard should be invited to take action leading to a national requirement for the Carriage of basic safety radio equipment on all U.S. vessels offshore. If the Coast

Guard is persuaded that such action would require new legislative authority, the Task Force recommends that a forthcoming legislative proposal seek such authority. The Task Force notes that professional seamen are not expected to oppose such a rule as they know better that to go beyond a mile offshore without radio whereas amateur boaters without any training or credentials account for a high percentage of Coast Guard SAR cases. The Task Force sees an added benefit to the Coast Guard's new mandates in Maritime Domain Awareness (MDA) which would be enhanced if all vessels were equipped to report the suspicious activities for which they have been asked to be on alert. The Task Force further suggests that the scope of a new law or regulation include the Great Lakes as well as offshore waters.

In the event that the Coast Guard is unable to pursue this action in a timely fashion, a strong statement of support for the NASBLA Model Act would clearly benefit those states ready to proceed with draft legislation.

The Task Force will of course be pleased to provide further input to your deliberations in any way that we can be of assistance. This letter was approved by the National GMDSS Implementation Task Force at its regular meeting on 11 May 2005.

Sincerely,

JACK FUECHSEL  
Captain, USCG (Ret.)  
Director, GMDSS Task Force

Encl: NASBLA Model Act

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